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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,695	05/04/2001	Jonathan K. Black	20705.006US	8186

22870 7590 01/20/2006

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EXAMINER

RAYYAN, SUSAN F

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/849,695	Applicant(s) BLACK ET AL.	
	Examiner Susan F. Rayyan	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-33,36,37,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-33,36,37,39 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 17, 2005 has been entered.

### ***Claim Objections***

2. Claim 36 is objected to because of the following informalities: improper dependent form (i.e., claim 36 depends on a cancelled claim 35). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 11-33, 36-37, and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Perell et al. ("Perell") (US 20010047347 A1).**

**Regarding claims 11 and 21, Perell teaches a business method for collecting and providing current updated and verified credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual comprising the steps of:**

a). obtaining initial information about the at least one individual by querying at least one information source selected from the group consisting of information sources, the individual, information providers, public records, and commercial data providers (§§ 0097, 0098);

b). inputting the information into a sortable continuously updated relational database (§§ 0087, 0088, and 0149);

c). sorting the information into at least one searchable unit within the sortable continuously updated relational database (§§ 0276);

d). obtaining updated information from the at least one information source, wherein the information is periodically updated by obtaining the updated information from the at least one information source such that the initial information contained in the sortable continuously updated relational database is constantly replaced by the updated information (§§ 0161, 0304, 0305);

e). replacing the initial information with the updated information within a predetermined time from when the updated information is obtained (§§ 0161, 0169, 0237);

f). allowing the interested entity access to the information contained in the sortable continuously update relational database (§s 0097 and 0098);

(g) repeating steps b through e as often as updated information is obtained (§s 0010 and 0017);

(h) repeating step f as often as the interested entity desires access to the information (§s 0056 and 0057);

(i) wherein the method results in the creation of an on-line continually updated profile of the at least one individual that can be accessed electronically on an as needed basis by the interested entity to verify the information about the at least one individual (pargs. 0010, 0017, 0077, 0304, 0305).

**Regarding claim 12, Perell** further teaches wherein the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information (§ 0100).

**Regarding claim 13, Perell** further teaches wherein the database is owned by a database owner and wherein a payment is made by the interested entity to the database owner for access to the information (Fig. 8C, element 843).

**Regarding claim 14, Perell** further teaches wherein the information is personal information about the at least one individual (§ 0156).

**Regarding claims 15-18, and 22, Perell** further teaches wherein the interested entity automatically on a periodic basis receives information from the database

regarding a number of discrete individuals identified by the interested entity to the database (§§ 0010 and 0304).

**Regarding claim 19, Perell** further teaches wherein the interested entity receives upon request information from the database regarding a number of discrete individuals identified by the interested entity to the database (parg. 0267).

**Regarding claims 20 and 39, Perell** further teaches wherein the interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the interested entity desires to create, maintain or terminate a relationship with the at least one individual (§ 0310).

**Regarding claims 23-27, Perell** further teaches wherein the information about the individuals is obtained from the at least one information provider on a continuous basis when updated information about the individuals is available and the relational database is provided to the interested entity on a continuous basis (§§ 0010, 0017, 0304, 0305).

**Regarding claims 28 and 30-32, Perell** further teaches wherein the information about the individuals is obtained from the at least one information provider on a continuous basis when updated information about the individuals is available and the relational database is transmitted to the interested entity on a continuous basis (§§ 0024, 0285, and 0310).

**Regarding claims 29 and 36, Perell** further teaches wherein the database is owned by a database owner and wherein a payment is made by the owner to the at least one information source for the provision of information about the individuals, and wherein a payment is made by the interested entity to the database owner for being provided the owned by a database owner and wherein a payment is made by the database owner to

information about the individuals (§ 0100 and Fig. 8C, element 843).

**Regarding claim 33, Perell teaches a method for collecting and providing information about individuals to an interested entity comprising the steps of:**

- (a) obtaining initial information in a digital form about at least one individual from at least one information source by electronically querying the at least one information source selected from the group consisting of information sources, wherein the initial information is related to the credentials of the at least one information and is selected from the group consisting of personal information, professional information, and governmental information (§s 0097, 0098, 0267);
- (b) entering the initial information about the at least one individual in a digital format into a continuously updated relational database, wherein the continuously updated relational database comprises continuously updated digital information about the at least one individual (§s 0087, 0149, 0155, 0156, 0284, and 0285);
- (c) providing access to the continuously updated relational database to at least one entity interested in the last least one individual (§ 0077);
- (d) updating the digital information in the continuously updated relational database by comparing newer information obtained from the at least one information provider about the at least one individual to the information stored in the continuously updated relational database and replacing the information in the continuously updated relational database with the newer information about the at least one individual if the newer information about the at least one individual is more recent and different than the information stored in the continuously updated relational database, wherein the information is continuously periodically updated by obtaining the newer information from the at least one information source such that the initial information contained in the

continuously newer relational database is constantly replaced by the newer information, and comparing the data in the database with the information resident at the information providers ( parg. 0161, 0169, and 0237);

(d)repeating step d as soon as the newer information about the at least one individual is obtained from the at least one information source (§s 0237, 0056, 0057); and

(e)transmitting the newer information to the at least one interested party automatically (§s 0058, 0284, 0285); wherein the method results in the creation of an on-line continually updated profile of the at least one individual that can be accessed on an as needed basis by the interested entity to verify the information about the at least one individual, and the interested entity automatically obtains the information about the at least one individual from the database for the purpose of determining whether the interested entity desires to create, maintain or terminate a relationship with the at least one individual (§s 0010, 0017, 0077, 0304, 0305, 0310).

**Regarding claim 37, Perell** teaches steps as analyzed and discussed in steps a-f of claim 33, further the prior teaches a payment is made by the database owner to the at least one information source for the provision of information about the at least one individual, and wherein a payment is made by the at least one interested entity to the database owner for being provided the information about the at least one individual (§ 0100 and Fig. 8c, element 843).

**Regarding claim 40, Perell** teaches a method for providing current updated and verified credential information to an interested entity regarding an individual within a profession regarding the ongoing and continued employment of the at least one individual comprising the steps of:

(a). maintaining a searchable relational database containing credential information on the individual through a combination of:

(i). Initially obtaining the credential information on a predetermined period basis about the individual from the individual and a combination of information sources selected from the group consisting of electronic sources, the individual, organizations possessing information about the individual, public records, and commercial databases (§§ 0017,0087,0088,0097 and 0267);

(ii) Continually updating the credential information by automatically obtaining updated credential information from the information sources and replacing predated credential information contained in the database with updated information obtained by step (§§ 0017,0058, 0284, 0285)(i);

(iii) Comparing the data in the database with information resident at the information sources (pargs. 0017,0058,0284,0285); and

(a) Sorting the credential information into at least one searchable unit within the database (§ 0267);

(b) allowing the interested entity access to the database through an Internet interface (§ 0077);

(c) providing the updated information to the interested entity through the Internet

interface such that the interested entity automatically on a periodic basis receives the updated information from the relational database regarding the individual (§s 0017, 0267, 0304);

Wherein the information consists of information selected from the group consisting of personal information, professional, governmental information, court information, educational information, licensing information, certification information, and legal information; the method results in the creation of an on-line continually updated profile of the individual that can be accessed on an as needed basis by the interested entity to verify the information about the individual; and the interested entity does not maintain the database (§s 0010, 0017, 0077, 0097, 0098, 0304, 0305).

### ***Response to Arguments***

5. Applicant's arguments filed November 17, 2005 have been fully considered but they are not persuasive.
6. In response to applicant's argument Perell does not teach regarding the ongoing and continued employment of the at least one individual, a recitation of the

Art Unit: 2167

intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

7. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

8. Applicant argues Perell does not teach (1) obtaining updated information from at least one of the information source or (2) replacing the initial information with the updated information however Examiner finds Perell does teach these limitations (at Perell: pargs. 161,169,304-305) Perell teaches members (at least one information source) updating their resume in a manner similar to the Applicant's limitations.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatically verifying the information provided for or obtained about the individual) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2167

10. Applicant argues Perell does not teach initially obtaining the credential information on a predetermined period basis about an individual from the individual and a combination information sources however Perell does teach this limitation at parg. 87-88 and pargs. 13, 17,58. Perell teaches a member enrolling and during the enrollment period resume data which is collected from the member. Additional information is collected through the DCVS (Data Certification and Verification Service) or third party verification services vendor.

11. Applicant argues Perell does not teach (1) automatically obtaining updated credential information from the information sources and replacing predated credential information obtained in the database with updated information and (2) comparing the data in the database with information at the information sources however Perell does teach this limitation in a manner similar to Applicant's limitations at pargs.

17,58,284,285, wherein DCVS continuously certifies the verified resume data records.

Updated resume data records are automatically re-verified.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) "Caredata.com Launches Online Credential Verification Services", Business Wire, September 1999.

b) "Caredata.com Releases Enhanced Online Credentialing Application Service for Physicians", Business Wire, October 18, 1999.

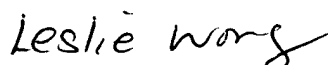
c) "Caredata.com Announces Seven Strategic Relationships; Implements Content Syndication Strategy", Business Wire, October 04, 1999.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan 11/7/08

  
Primary Examiner